IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Criminal Revision No. 659 of 2000
Date of decision : January 22, 2008

Ram Kumar and another Vs. State of Haryana

CORAM: **Hon'ble Mr. Justice Kanwaljit Singh Ahluwalia.**

Present: Mr. Bhoop Singh, Advocate, for the petitioners.
Ms. Shalini Atri, AAG, Haryana.

K.S. Ahluwalia, J. (Oral)

The petitioners were convicted under Sections 326/34IPC and 323/34 IPC by the Court of Judicial Magistrate 1st Class, Siwani at Hisar and were sentenced as under:

U/S 326/34 IPC	*RI for 2 years and to pay a fine of Rs.500/- each.*
U/S 323/34 IPC	*RI for six months and to pay a fine of Rs. 100/- each.*

Feeling aggrieved against the order of Judicial Magistrate 1st Class, they preferred an appeal, which was also dismissed by the learned Additional Sessions Judge, Hisar. Hence they have come up in the present revision petition.

Since both the injured have been examined in Court, Mr. Bhoop Singh has very fairly stated that it will be difficult to disbelieve them as both the Courts below have placed reliance on their testimony. He further states that he is conscious that the Revisional Court cannot re-appreciate the evidence.

Mr. Bhoop Singh has made alternative prayer for reduction of sentence, stating that the petitioners and the injured are co-villagers and over the turn of water for irrigation of the fields, without any premeditation, on the spur of the moment, the occurrence has ensued. He has further stated that a period of 19 years has elapsed but no untoward incident has taken place between the petitioners and the injured.

Sending the petitioners behind bars once again, at this stage, will not only trigger bad blood and fued between the parties, but also disturb amity and peace prevailing in the village. The petitioners have already suffered protracted trial for 19 years. Their antecedents are not such that they are criminals. The incident has occurred over a trivial issue of sharing of water.

Ms. Shalini Aatri, learned Assistant Advocate General appearing for the State says that she has no report regarding any subsequent fight or quarrel having taken place between the parties.

Taking into consideration the totality of facts and circumstances, I reduce the sentence of the petitioners to already undergone, with a fine of Rs.15,000/-(fifteen thousand) each. The amount of fine shall be deposited in the Court of Chief Judicial Magistrate, Hisar on or before 25th March, 2008, failing which the present revision petition shall be deemed to have been dismissed and the petitioners will undergo the remaining sentence as awarded by the Courts below.

The revision petition stands disposed of accordingly.

[Kanwaljit Singh Ahluwalia]
Judge

January 22, 2008.
`ask'